UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/575,410	05/19/2000	Marc David Abrahams	66181	1007

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EXAMINER
JACKSON, JENISE E

ART UNIT	PAPER NUMBER
2131	5

DATE MAILED: 05/20/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-24* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-24* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

2.   Claims 1-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gottfried in

view of Lin et al. and further in view of Price-Francis.

3.   As per claims 1, 8-9, 11, 20, Gottfried discloses a method of on-line authentication(see

fig. 5 and 6, sheet 4, col. 8, lines 60-67), receiving through a computer network a communication

indicating that authentication is needed(see fig. 5 and 6, sheet 4, col. 3, lines 26-37); sending

through the computer network one request for entry of the selected fingerprint(see col. 3, lines

26-37, col. 9, lines 9-10); receiving fingerprint data through the computer network in response to

the one request for entry of the selected fingerprint(see col. 3, lines 26-37, col. 9, lines 18-20);

and comparing the received fingerprint data to fingerprint data stored in a database(see col. 3,

lines 50-53, col. 9, lines 18-28).

4.   Gottfried discloses that one/single fingerprint is requested for authentication(see col. 3,

lines 26-37), not fingerprints as claimed. More specifically, Gottfried does not disclose

obtaining a first number that indicates how many fingerprints will be requested for

authentication, and Gottfried does not disclose randomly selecting which fingerprints will be

requested, nor discloses using a fingerprint scheme designated by the user. Lin et al. discloses a

fingerprint scheme designated by the user(see col. 3, lines 33-36, col. 4, lines 27-30). It would

have been obvious to combine Gottfried with Lin et al. because both deal with authenticating a

user by using fingerprint biometrics, the motivation to include a fingerprint scheme designated

by the user is that is establishes an additional security parameter(see col. 3, lines 33-36 of Lin et

al.). Gottfried nor Lin et al. discloses randomly selecting which fingerprints will be requested, or

obtaining a first number that indicates how many fingerprints will be requested for

authentication. However, Price-Francis discloses obtaining a first number that indicates how

many fingerprints will be requested for authentication (see col.4, lines 58-59 of Price-Francis),

and discloses randomly selecting which fingerprints will be requested (see col. 5, lines 38-40).

5.   It would have been obvious to one of ordinary skill in the art at the time of the invention

to combine Gottfried with Lin et al. with Price-Francis, because all three deal with authenticating

a user by using fingerprint biometrics, the motivation to include Price-Francis method of

randomly selecting which fingerprints will be requested, and obtaining a first number that

indicates how many fingerprints will be requested for authentication, with Gottfried and Lin et

al, is that false rejections are very common on the single fingerprint identification systems(see

col. 2, lines 3-4 of Price-Francis), and including the limitations in Price-Francis(see above) with

Gottfried and Lin et al. provides more accuracy of the system because more than one fingerprint

is measured(see col. 1, lines 66-67, col. 2, lines 1-3 of Price-Francis), and the random nature of

request impedes criminal activity(see col. 5, lines 37-40 of Price-Francis).

6.   As per claim 2, Price-Francis discloses randomly selecting the first number(see col. 4,

lines 50-61), the motivation is the random nature impedes criminal activity (see col. 5, lines 37-

40 of Price-Francis).

7.   As per claim 3, same motivation applies above(see claim 1); Price-Francis discloses

retrieving the first number from the database(see col. 4, lines 50-61, col. 6, lines 35-39).

8.   As per claim 4, Price-Francis discloses wherein the first number is equal to or less than a

total number of fingerprints stored in the database for a particular user(see col. 4, lines 50-61),

the motivation is provides more accuracy of the system because more than one fingerprint is

measured(see col. 1, lines 66-67, col. 2, lines 1-3 of Price-Francis).

9.   As per claim 5, Price-Francis discloses randomly selecting fingerprints from a total

number of fingerprints stored in the database for a particular user(see col. 4, lines 50-61, col. 5,

lines 5-10), motivation random nature of request impedes criminal activity(see col. 5, lines 37-40

of Price-Francis).

10.   As per claim 6, Gottfried discloses detecting through the computer network whether a

client computer has a fingerprint reader(20)(see fig. 3, sheet 2).

11.   As per claim 7, same motivation applies above, see claim 1, Price-Francis discloses

receiving set-up data for a particular user; and storing the received set-up data in the database(see

col. 4, lines 50-61).

12.   As per claim 8, same motivation applies see above(claim 1), limitations have already

been addressed(see claim 1 above). Also, claim 8, discloses assigning a number to each entered

fingerprint that is consistent with a number intended by a user who entered the fingerprints, the

Examiner asserts that Price-Francis inherently discloses this because Price-Francis discloses that

more than one fingerprint can be assigned to a user(see col. 4, lines 50-61), and that the

fingerprints requested are randomly chosen(see col. 5, lines 21-26).

13.   As per claim 10, same motivation applies see above(claim 1), Price-Francis discloses
wherein the first number is greater than or equal to zero and less than or equal to the total
number(see col. 4, lines 50-61).

14.   As per claims 12-13, Gottfried, Lin et al., nor Price-Francis do not disclose more
specifically that if a fingerprint reader is not enabled on a network, that a username and password
should be used for authentication. However, the Examiner takes Official Notice that it is well-
known in the art of access control that if biometrics, and more specifically that if a fingerprint
reader is not enabled on a network, that a username and password should be used for
authentication, the motivation is that if one access control method is unavailable, that another
access control method such as username and password should be available because it allows one
to be authenticated such that it prevents unauthorized users from obtaining access to the network.

15.   As per claim 14, limitations have already addressed(see claim 1, 7).

16.   As per claim 15, rejected under same limitations as claim 2.

17.   As per claim 16, rejected under the same limitations as claim 3.

18.   As per claim 17, rejected under same limitations as claim 4.

19.   As per claim 18, rejected under the same limitations as claim 7.

20.   As per claim 19, Price-Francis discloses configured to send through the computer
network a request for a total number that indicates how many fingerprints to hold for
authentication (see col. 4, lines 50-61).

21.   As per claim 21, rejected under the same limitations as claim 8.

22.   As per claims 22-24, Gottfried, Lin et al., nor Price-Francis, does not disclose more than
ten fingerprints stored by the user. However, the Examiner takes Official Notice that it is well-

known in the art to store more than ten fingerprints, the motivation, is that by increasing the

number of fingerprints that are stored, security is increased.

Response to Amendment

23.   Price-Francis does not meet new limitation, which is, "a fingerprint numbering scheme

designated by a user". Price-Francis discloses that the system randomly selects, which

fingerprint the user, must input to the system. However, Price-Francis does not disclose this new

limitation, Lin et al. discloses a fingerprint numbering scheme designated by a user (see col. 4,

lines 27-30).

24.   The Applicant has also added claims 22-24; which state more than ten fingerprints can be

stored for the user. Price-Francis does not disclose more than ten fingers can be stored in the

database; Price-Francis discloses that ten fingers can be stored.

Final Action, Necessitated By Amendment

25.   Applicant's amendment necessitated the new ground(s) of rejection presented in this

Office action. Accordingly, THIS ACTION IS MADE FINAL. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the date of this

final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Jenise E Jackson whose telephone number is (703) 306-0426.

The examiner can normally be reached on M-Th (6:00 a.m. - 3:30 p.m.) alternate Friday's.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ayaz Sheikh can be reached on (703) 305-9648. The fax phone numbers for the

organization where this application or proceeding is assigned are (703) 305-0040 for regular

communications and (703) 308-6306 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 305-3900.

May 14, 2004

AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100